

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7019
BILL NUMBER: SB 229

NOTE PREPARED: Dec 29, 2010
BILL AMENDED:

SUBJECT: Battery on a Security Officer.

FIRST AUTHOR: Sen. Grooms
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill enhances the penalty for battery if it is committed against a security officer while the officer is performing the officer's duties. The new penalty would be a Class A misdemeanor instead of a Class B misdemeanor, if the person commits simple battery (touching another person in a rude insolent or angry manner). The new penalty would be a Class D felony if the battery results in bodily injury.

Effective Date: July 1, 2011.

Explanation of State Expenditures: *Battery Resulting in Bodily Injury* – State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$19,307 in FY 2010. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost per offender for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$68,260 in FY 2010. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Simple Battery or Battery Resulting in Bodily Injury* – Revenue to the Common School Fund may increase if a person is sentenced for a Class A misdemeanor rather than for a Class B misdemeanor. The maximum fine for a Class B misdemeanor is \$1,000, while the maximum fine for a Class A misdemeanor is \$5,000 and the maximum fine for a Class D felony is \$10,000. Court fees of \$120 would remain unchanged.

Explanation of Local Expenditures: Costs to local governments could increase because the maximum term of imprisonment for a Class B misdemeanor is up to 180 days while the maximum term for a Class A misdemeanor is up to one year. The average daily cost of housing a prisoner is an approximately \$44.

However, if an offender is sentenced to state prison rather than to a county jail because of a Class D felony, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120 and would remain unchanged.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.